

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 41

SENATE BILL 1207

AN ACT

AMENDING SECTION 11-268, ARIZONA REVISED STATUTES; RELATING TO BOARD OF SUPERVISORS POWERS AND DUTIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-268, Arizona Revised Statutes, is amended to
3 read:

4 11-268. Removal of rubbish, trash, weeds, filth, debris and
5 dilapidated buildings; violation; classification;
6 removal by county; costs assessed; collection;
7 priority of lien; definition

8 A. The board of supervisors, by ordinance, shall compel the owner,
9 lessee or occupant of buildings, grounds or lots located in the
10 unincorporated areas of the county to remove rubbish, trash, weeds, filth,
11 debris or dilapidated buildings which constitute a hazard to public health
12 and safety from buildings, grounds, lots, contiguous sidewalks, streets and
13 alleys. Any such ordinance shall require and include:

14 1. Reasonable written notice to the owner, any lienholder, THE
15 occupant or THE lessee. The notice shall be given not less than thirty days
16 before the day set for compliance and shall include the estimated cost to the
17 county for the removal if the owner, occupant or lessee does not comply. The
18 notice shall be either personally served or mailed by certified mail to the
19 owner, occupant or lessee at his last known address, or the address to which
20 the tax bill for the property was last mailed. If the owner does not reside
21 on the property, a duplicate notice shall also be sent to the owner at the
22 owner's last known address.

23 2. Provisions for appeal to the board of supervisors on both the
24 notice and the assessments.

25 3. That any person, firm or corporation that places any rubbish,
26 trash, filth or debris upon any private or public property located in the
27 unincorporated areas of the county not owned or under the control of the
28 person, firm or corporation is guilty of a class 1 misdemeanor and, in
29 addition to any fine which may be imposed for a violation of ~~any provision of~~
30 this section, is liable for all costs which may be assessed pursuant to this
31 section for the removal of the rubbish, trash, filth or debris.

32 B. The ordinance may provide that if any person with an interest in
33 the property, including an owner, lienholder, lessee or occupant of the
34 buildings, grounds or lots, after notice as required by subsection A,
35 paragraph 1, does not remove the rubbish, trash, weeds, filth, debris or
36 dilapidated buildings and abate the condition which constitutes a hazard to
37 public health and safety, the county may, at the expense of the owner, lessee
38 or occupant, remove, abate, enjoin or cause the removal of the rubbish,
39 trash, weeds, filth, debris or dilapidated buildings.

40 C. The board of supervisors may prescribe by the ordinance a procedure
41 for such removal or abatement and for making the actual cost of such removal
42 or abatement, including the actual costs of any additional inspection and
43 other incidental costs in connection with the removal or abatement, an
44 assessment upon the lots and tracts of land from which the rubbish, trash,
45 weeds, filth, debris or dilapidated buildings are removed.

1 D. The ordinance may provide that the cost of removal, abatement or
2 injunction of the rubbish, trash, weeds, filth, debris or dilapidated
3 buildings from any lot or tract of land located in the unincorporated areas
4 of the county and associated legal costs be assessed in the manner and form
5 prescribed by ordinance of the county upon the property from which the
6 rubbish, trash, weeds, filth, debris or dilapidated buildings are removed,
7 abated or enjoined. The county shall record the assessment in the county
8 recorder's office in the county in which the property is located, including
9 the date and amount of the assessment and the legal description of the
10 property. Any assessment recorded after ~~the effective date of this amendment~~
11 ~~to this section~~ AUGUST 6, 1999 is prior and superior to all other liens,
12 obligations or other encumbrances, except liens for general taxes and prior
13 recorded mortgages. A sale of the property to satisfy an assessment obtained
14 under this section shall be made on judgment of foreclosure and order of
15 sale. The county may bring an action to enforce the lien in the superior
16 court in the county in which the property is located at any time after the
17 recording of the assessment, but failure to enforce the lien by such action
18 does not affect its validity. The recorded assessment is prima facie
19 evidence of the truth of all matters recited in the assessment and of the
20 regularity of all proceedings before the recording of the assessment.

21 E. Assessments that are imposed under subsection D run against the
22 property until they are paid and are due and payable in equal annual
23 installments as follows:

24 1. Assessments of less than five hundred dollars shall be paid within
25 one year after the assessment is recorded.

26 2. Assessments of five hundred dollars or more but less than one
27 thousand dollars shall be paid within two years after the assessment is
28 recorded.

29 3. Assessments of one thousand dollars or more but less than five
30 thousand dollars shall be paid within three years after the assessment is
31 recorded.

32 4. Assessments of five thousand dollars or more but less than ten
33 thousand dollars shall be paid within six years after the assessment is
34 recorded.

35 5. Assessments of ten thousand dollars or more shall be paid within
36 ten years after the assessment is recorded.

37 F. A prior assessment for the purposes provided in this section is not
38 a bar to a subsequent assessment or assessments for such purposes, and any
39 number of liens on the same lot or tract of land may be enforced in the same
40 action.

41 G. Before the removal of a dilapidated building the board of
42 supervisors shall consult with the state historic preservation officer to
43 determine if the building is of historical value.

1 H. If a county removes a dilapidated building pursuant to this
2 section, the county assessor shall adjust the valuation of the property on
3 the property assessment tax rolls from the date of removal.

4 I. ~~As used in~~ FOR THE PURPOSES OF this section, occupant does not
5 include any corporation or association operating or maintaining rights-of-way
6 for and on behalf of the United States government, either under contract or
7 under federal law.

8 J. ~~As used in~~ FOR THE PURPOSES OF this section, "dilapidated building"
9 means any real property structure that is ~~in such disrepair or is damaged to~~
10 ~~the extent that its strength or stability is substantially less than a new~~
11 ~~building or it is~~ likely to burn or collapse and its condition endangers the
12 life, health, safety or property of the public.

APPROVED BY THE GOVERNOR APRIL 7, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2011.

Passed the House April 5, 20 11,

by the following vote: 58 Ayes,

1 Nays, 1 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 10, 20 11,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmian Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of April, 20 11,

at 3:30 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 7th day of

April, 20 11,

at 10:40 o'clock A. M.

[Signature]
Governor of Arizona

S.B. 1207

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7th day of April, 20 11,

at 3:28 o'clock P. M.

[Signature]
Secretary of State